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ABSTRACT

This handbook has been prepared to assist Albertans in understanding the provincial charter school concept, to assist charter organizers with their planning and preparation for the establishment of charter schools in Alberta, and to assist those responsible for processing charter school applications. Bill 19, The School Amendment Act, which provided for the establishment of charter schools, was proclaimed into law on May 25, 1994. Charter schools are autonomous public schools that provide innovative or enhanced means of delivering education to improve student learning. Following the overview, information is provided on the characteristics of charter schools, things to consider before preparing an application, who is eligible to apply, and the application process. Answers to commonly asked questions about eligibility, governance, accountability, programs, students, teachers, grants, and applications are provided. Samples are also provided of the charter-school application form, declaration, checklist, and acceptance and rejection statements. Elements to be included in the charter agreement are outlined. Appendices contain a copy of the School Act and an explanation of charter-school regulation. (LMI)

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CHARTER SCHOOL HANDBOOK

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APRIL, 1995

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April 21, 1995

MESSAGE FROM THE MINISTER

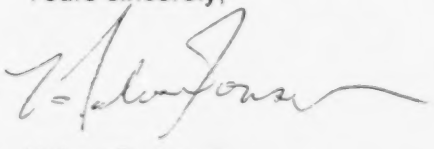
I am pleased to release the charter school handbook with guidelines for the establishment of charter schools in Alberta. The guidelines contained in this handbook are the result of the many comments and submissions received during the consultation process on charter schools and they ensure that the charter school concept will help meet the needs of Alberta students.

Charter schools are an important educational initiative both in Alberta and Canada. They will provide the opportunity to improve student learning through enhanced and innovative approaches to the delivery of education and the structure of the educational environment. Ultimately, charter schools will help us better prepare Alberta students for the challenges of the future.

I expect to see the first charter schools in Canada begin operation here in Alberta in September of 1995. This handbook will guide charter school organizers as they prepare applications for charter school status and assist local school boards in assessing these applications.

I want to thank all of the Albertans who took the time to respond to the draft charter school handbook. Your contributions have helped to enhance the quality of Alberta's education system.

Yours sincerely,



Halvar C. Jonson
Minister of Education

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ERRATA

Charter School Handbook

Page 6 - Making Application for Charter School Status

No. 3 change "April 30, 1995" to "May 15, 1995"

Page 8 - * Note under chart

change "April 30, 1995" to "May 15, 1995"

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OVERVIEW

The Alberta Charter School Initiative

We live in a dynamic world which requires us to respond to new challenges, opportunities, and technologies. Albertans always have been open to new ideas, concepts, and developments. Our education system reflects this openness to change. Today, more than ever, our education system must move in new directions to prepare students for the next century and the changing nature of the world in which they live.

Recognizing the need for educational change, on March 31, 1994, the Honourable Halvar C. Jonson, Minister of Education, introduced **Bill 19, The School Amendment Act, 1994**, which provided for the establishment of charter schools. These schools would be autonomous public schools which would provide innovative or enhanced means of delivering education to improve student learning. On May 25, 1994, Bill 19 was proclaimed into law making Alberta the first province in Canada to take such a bold initiative.

This handbook has been prepared to assist Albertans in understanding the provincial charter school concept, to assist charter organizers with their planning and preparation for establishment of charter schools, and to assist those responsible for processing charter school applications.

WHAT IS A CHARTER SCHOOL?

Alberta, through its system of public schools, has been continually expanding the range of educational services available to students to improve their learning. The addition of charter schools to its public system, is a continuation of this precedent. The expectation for the educational services offered by charter schools is that they will be different from what is locally available and likely will vary from one charter school to another. Charter schools must demonstrate the potential to improve the learning of students. In general, charter schools will complement the educational services provided in the local public system. They represent another opportunity for successful educational practices to be recognized and be adopted by other public schools for the benefit of more Albertans.

Although charter schools likely will vary across the province, there are certain common characteristics that set them apart from other public schools.

Charter: A charter is an agreement between a school board or the Minister of Education and an individual or group regarding the establishment and

administration of a school. Essentially, the charter describes the unique educational service the school will provide, how the school will operate, and the student outcomes it intends to achieve. If they are prepared to establish the charter school within their jurisdiction, local school boards will recommend that the Minister approve the agreement.

Purpose: Charter schools are expected to provide a different educational environment to improve student learning. The intent goes beyond simply creating a few new or alternative school programs. Therefore, charter schools will have flexibility and considerable autonomy to implement innovative or enhanced educational services which will broaden the range of educational opportunities and enhance student learning. Enhanced student learning means improved acquisition, in some measurable way, of skills, attitudes and knowledge.

Specialization: Charter schools likely will specialize in a particular educational service to address a specific need. They may complement or add to existing local programs where there are a sufficient number of students who could benefit from the program.

Governance: A charter school is operated by a corporate body in accordance with section 24.1(1) of the **School Act**. A charter board, which will represent parents and teachers of students in a charter school, may be constituted by the corporate body to govern the charter school. Where a distinct charter board is not formed, then the board of directors for the corporation shall be the charter board. In accordance with the provisions of the incorporating Act, the charter board must have by-laws and policies for governance of the board as well as for governance of the charter school.

Autonomy: A charter board has the authority and autonomy to run the day-to-day operations of the school. A charter board will develop policies subject to its charter agreement with the local school board or the Minister of Education. These policies need not comply with nor be congruent to those of the local school board.

Accountability: The charter board is accountable for the charter school. This board is responsible for ensuring that the charter school complies with charter board policies, the terms of the charter, and provincial legislation, regulation and policies.

As well, a charter board is accountable to the local school board or to the Minister of Education depending upon who established the charter school. The local school board or the Minister, as the case may be, must ensure that the charter school is operated according to the charter, and achieves the results

outlined in the charter and as required by provincial legislation, regulation and policies.

Choice: A charter school will provide enhanced or innovative delivery of public education to students. This means that parents and students have increased opportunity to choose an education that best serves student needs.

CHARTER SCHOOLS ARE PUBLIC SCHOOLS

Charter schools are part of the public education system.

Access: Charter schools cannot deny access to any student as long as sufficient space and resources are available. In other words, any student may attempt the program provided by a particular charter school. If the projected enrollment of a charter school exceeds the capacity of the program, then the student selection process as outlined in the charter is initiated. If a student is denied access to a charter school, the student or his/her parents may have the matter reviewed by the Minister in accordance with the Charter School Regulation.

Curriculum: The curriculum delivered by charter schools will be structured around a basic education as defined by Alberta Education and described in the Programs of Study. Generally, education programs must meet the conditions outlined in section 25 of the **School Act** unless the approved charter specifically exempts a charter school from this requirement. This allows students to transfer to or from any public school with a minimum of disruption and/or achieve a high school diploma. In addition, students attending charter schools must write Provincial Achievement Tests, Provincial Grade 12 Diploma Exams and any other tests the Minister prescribes.

Non-religious: Charter schools may not be affiliated with a religious faith or denomination, except when the charter school is established by a separate school board, whether Protestant or Roman Catholic. A charter school may provide religious instruction and exercises under section 33 of the **Act**, as may any other public school. Charter schools are not private religious schools nor are they intended to replace the services offered by private religious schools.

Funding: Charter schools are eligible for the following provincial grants.

	GRANTS	AMOUNT (for 1995-96)
A.	Instruction Block	
	Basic Instruction	$3,686 per Full Time Equivalent (FTE) student
	Severe Disabilities	$8,910 per student (where applicable)
	English as a Second Language	$644 per student (where applicable)
	Learning Resources Credit	$9.30 per enrolled student
B.	Plant Operations and Maintenance	$413 per FTE student; and $10.35 per square metre
C.	Board Governance/Administration	Percentage of the Instruction Block and Plant Operations and Maintenance allocation: - 6% if fewer than 2,000 students - 4% if more than 6,000 students - Between 6% and 4% on a sliding scale if between 2,000 and 6,000 students.

Tuition Fees: Charter schools shall not charge tuition fees.

Non-profit: Charter schools are non-profit schools and they shall be operated by non-profit corporate entities.

Financial Reporting: A charter board must appoint an auditor and submit annually an Alberta Education Budget Report Form and an Audited Financial Statement in accordance with sections 125 to 130 of the **School Act**.

Accountability: Charter boards are publicly accountable for student achievement in their schools and must make publicly available annual reports which describe how well students are accomplishing their educational goals.

Staffing: Charter boards are regulated by the **Labour Relations Code**, the **Employment Standard Code**, and applicable professional codes. The teachers employed at charter schools must be certificated. Other staffing arrangements are subject to the decisions made by the charter board in compliance with the provisions of the charter, provincial legislation, regulations and policies.

Reviews: As part of the public system of schools, students of charter schools or their parents are able to ask the Minister to review any charter board decision about: the expulsion of a student and the amount and payment of fees or costs (Section 104). In addition, the Charter School Regulation allows for a review by the Minister if a student has been denied access to a charter school. The revoking of a charter by a local board and the forced resignation of a charter board member may also be reviewed by the Minister.

THINGS TO CONSIDER BEFORE PREPARING AN APPLICATION

Before applying for charter school status, careful thought should be given to the following:

"Why do we need a charter school?" "Is this educational program available locally? Can it be made available?"

Individuals or groups considering establishment of a charter school should attempt to work with their local school board to develop a program in the local system. The possibility of starting an alternative program under section 16 of the **School Act** also exists.

If the individual or group believes that their children's education needs cannot be met directly by the local school board, they may choose to apply for charter school status. Before preparing the application, the charter organizers should consider the following:

- Is there evidence of commitment from parents and students to ensure that a viable program can be offered?

- Is there a body of research to support the claim that the proposed educational program, along with instructional methodology and student assessment, will potentially improve student learning?

If the answer to these questions is yes, then the charter organizers may apply for charter school status. The application must meet the criteria set forth in the Charter School Regulation. In addition, the local school board and the Minister of Education will review the application based on how well it furthers the province's goal and purposes for establishing a charter school, which are:

- to stimulate the development of enhanced and innovative programs within public education;
- to provide increased opportunities for student learning within public education;
- to provide parents and students with greater opportunities for choice within the public education system;
- to provide teachers with a vehicle for establishing schools with enhanced and creative methods of educational instruction, and school structure and management; and,
- to encourage the establishment of outcomes-based education programs.

The Minister may approve up to 15 charter schools for start-up in September 1995. Additional charter schools may be approved for start-up in subsequent years.

WHO CAN APPLY FOR CHARTER SCHOOL STATUS?

Parents, teachers and others who feel that a sufficient number of students can benefit from a different or innovative educational environment are likely applicants.

MAKING APPLICATION FOR CHARTER SCHOOL STATUS

Once charter organizers have decided to proceed with an application for charter status, the following steps should be followed:

1. Incorporation under the **Societies Act**; company registration under Part 9 of the **Companies Act**; or provincial incorporation as defined in the **Financial Administration Act**.

2. Public meetings to determine if there is sufficient support and commitment from the community.

3. Completion of an application form as outlined in the Charter School Regulation. Applications for charter school start-up in September 1995 must be received by local school boards by April 30, 1995.

   For subsequent charter school approvals, the application must be received by the local school board six (6) months prior to the date the charter school intends to begin operating.

4. Submission of the application to the local school board. A copy of the application also must be sent to the Minister.

5. The local school board and the charter organization must make every attempt to arrive at an agreement for the establishment of a charter school. If such an agreement is reached, the local school board recommends to the Minister of Education that the charter be approved. If the Minister approves the charter, the charter organizers commence establishment of the charter school.

6. If the local school board rejects the charter application, the charter organizers and the Minister must be informed by the local school board, in

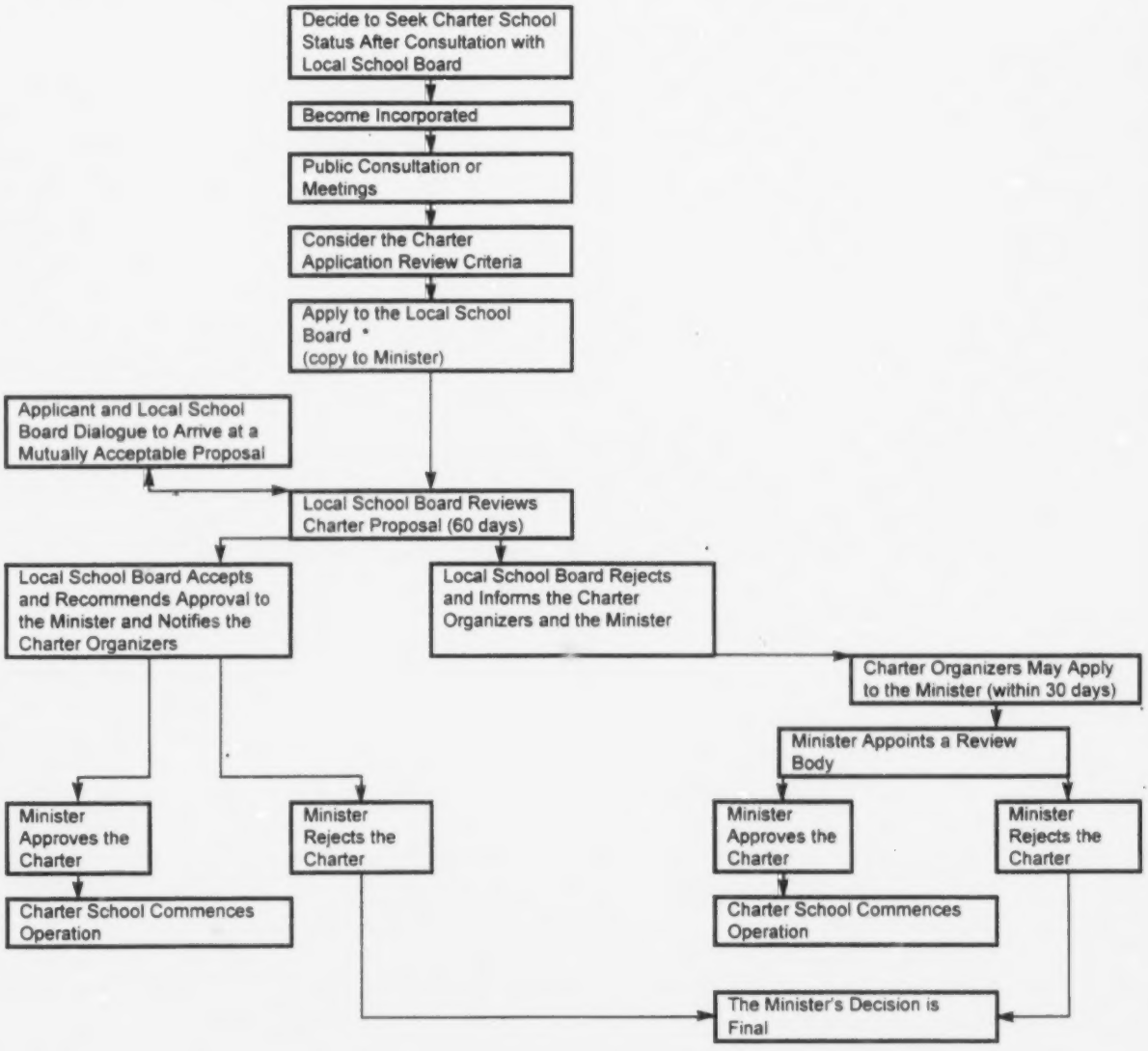
writing, stating the reasons for rejection. The charter organizers then may submit the application directly to the Minister. A committee may be appointed to review the application and advise the Minister. The Minister then may approve the charter as submitted, approve it with conditions, or reject it stating the reasons for doing so. This decision will be final.

Timelines:

After receiving the charter school application the local school board has 60 days to approve or reject it. During this period, the local school board may request additional information from the applicants and changes to the proposed application. Upon making a decision, the school board will notify both the applicant and the Minister in writing.

If the local school board rejects the application, the charter organizers have 30 days to request the Minister to establish the charter school. The Minister then has 30 days in which to make a decision. There is no appeal if the charter is rejected by the Minister.

The following flow chart summarizes the steps which lead to the establishment of a charter school:


Decide to Seek Charter School Status After Consultation with Local School Board
Become Incorporated
Public Consultation or Meetings
Consider the Charter Application Review Criteria
Apply to the Local School Board *
(copy to Minister)
Applicant and Local School Board Dialogue to Arrive at a Mutually Acceptable Proposal
Local School Board Reviews Charter Proposal (60 days)
Local School Board Accepts and Recommends Approval to the Minister and Notifies the Charter Organizers
Local School Board Rejects and Informs the Charter Organizers and the Minister
Charter Organizers May Apply to the Minister (within 30 days)
Minister Appoints a Review Body
Minister Approves the Charter
Minister Rejects the Charter
Minister Approves the Charter
Minister Rejects the Charter
Charter School Commences Operation
Charter School Commences Operation
The Minister's Decision is Final

* before April 30, 1995 for start-up for the 1995-96 school year and for subsequent start-up dates, the application is to be submitted six(6) months prior to school opening date.

QUESTIONS AND ANSWERS

ELIGIBILITY

1. Who is eligible to apply for a charter to start a charter school?

Applicants could include parents, teachers, and community members. They must become incorporated according to the **School Act** [section 24.1(1)]. This section states that a charter school can be operated by a person or a group of individuals incorporated under the **Societies Act,** or by a company registered under Part 9 of **The Companies Act**, or by a provincial corporation as defined in the **Financial Administration Act**.

GOVERNANCE

2. Why are statements about the philosophy, purpose and goals for each charter school so important?

The charter reflects the philosophy, purpose and goals of a charter school. They should be tied to improved student learning and form the basis for education decision making.

3. How are charter schools governed?

The charter school may be governed by the board of directors of the corporate body or the board may constitute under it another body whose sole responsibility would be the governance of the charter school. In either case, this governing body will be called the charter board and its membership should represent parents, teachers and community members.

Specifically, the charter must define the charter board: its membership, roles and responsibilities of the members, and how they are to be selected. Second, the charter must define the relationship between the charter board and the charter school. Third, the charter must identify the school council and the council's roles and responsibilities to the charter board and charter school. The charter board should be guided by the philosophy or focus of the school.

Other duties of the charter board include the development and implementation of a student code of conduct, a discipline, suspension and expulsion policy, personnel policies, and a management operation plan, in keeping with the provisions of the **School Act**.

The charter board is accountable to the local school board or the Minister, whomever established the charter school, for the operation of the board and the school, according to the terms of the charter and provincial legislation, regulations and policies.

A charter may be revoked if the local school board or the Minister, whoever established the charter school, is of the opinion that the charter school is not succeeding. If the local school board revokes the charter, the charter board may have this decision reviewed by the Minister. The Minister's decision will be final.

4. Must charter schools have school councils?

Yes. Each charter school must establish a school council as required by section 17 of the **School Act**. The majority of the school council membership will be parents of students enrolled in the school. Students and teachers may be represented on the school council. The principal's role on the school council will be defined in the school council regulation.

5. Does a charter school require a principal?

Yes. Section 14 of the **School Act** states that a board shall assign a principal to each school. Section 15 outlines the duties of the principal. Both sections apply to charter schools.

6. Must charter schools use the services of a school superintendent?

A charter board shall make provision for acquiring the services of a superintendent to fulfill those functions required by provincial legislation, regulations and policies. For example, a recommendation for permanent certification of a teacher must be made by a superintendent. The charter will state if these services will be contracted from the local school board or obtained through other means.

7. Must charter schools have a secretary-treasurer?

Yes. Section 96 of the **School Act** requires that a secretary-treasurer be appointed and that person must be bonded. The Minister shall be notified of this appointment. This does not have to a full-time position.

8. How can a charter be amended?

A process to change a charter is part of the charter agreement. It is important that parents and teachers be consulted as part of the amending

process. Any amendment requires the approval of the charter granting local school board and/or the Minister before implementation.

9. Can a charter board sign contracts?

Yes. A charter board is a corporate body and may enter into contractual arrangements to comply with the **School Act** and meet the requirements of the charter. The charter will list any contractual arrangements which may include: leasing facilities for instruction; transportation of students; custodial, repair and maintenance services; superintendency and secretary/treasurer services; teacher secondments; or leasing instructional resources.

10. If a local school board agrees to establish a charter school, will the local school board be liable for debts, breaches of contract and other matters that an errant charter board may incur?

No. The Charter School Regulation contains an indemnity clause requiring a charter school to carry insurance or a bond to prevent a local school board from being burdened with liabilities incurred by an errant charter school or its board. However, the local school board has a responsibility to ensure that any charter school that it establishes is operated in accordance with the terms of the charter and provincial legislation, regulation and policies. If the local school board observes violations, then it has a responsibility to notify the charter board and the Minister of these violations.

ACCOUNTABILITY

11. Why are charter boards held accountable?

A charter school is part of the system of public schools and thus it is eligible for the same provincial per student funding. The charter school promises to improve student learning. It is provided with increased flexibility and autonomy to achieve this goal. Consequently, these obligations must be balanced with an accountability requirement to ensure that the charter school is operating and achieving the results that it promised.

12. For what will a charter board be held accountable?

A charter board will be accountable for ensuring that the charter school complies with its charter and with all provincial legislation, regulations and policies.

13. To whom is a charter board accountable?

A charter board is accountable to the students, parents, community, Minister of Education; and to the local school board, if it has established the charter school. As with any school board, a charter board must make available to the public certain documents and reports under section 59 of the **School Act** and any other information requested by the Minister (section 60.1).

14. Do the accountability requirements of a charter school exceed those of a local school board?

Charter schools have assumed various obligations to serve the educational needs of students. Therefore, they must be accountable for their operation and results just as other public schools are accountable.

15. If a particular charter school has demonstrated success with its program, will permanent charter status be awarded?

No. All charters are term-specific ranging from three to five years. Each renewal will be determined largely by the results of regular school evaluations conducted as outlined in the charter. As long as a charter school continues to demonstrate success, its charter may be renewed upon request.

16. Could a charter board ask the local school board to take over the operation of a successful charter school?

Yes. At some point, the charter board may decide to turn over the operation and governance of a successful charter school to the local school board. In this instance, the charter school would be dissolved through the process outlined in the charter. It is expected that the successful educational practices of the charter school then would be adopted by the local school board.

17. Is there a requirement that the charter school be housed in a particular facility?

No. The **School Act** broadly defines a school as a structured learning environment through which an education program is provided to students. However, there is an expectation that whatever facility is used will augment the philosophy and learner expectations of the school. There also is a requirement that the school facility comply with provincial legislation and local by-laws regarding health, safety, fire and zoning. A charter school

may use all or part of an existing school, private or public facility or any other suitable location. The charter board may own, lease or rent its facility.

PROGRAMS

18. How will the local school board and the Minister know if student achievement is meeting expectations?

Since charter schools will vary across the province, it is unrealistic to expect the local school board or the Minister to structure an appropriate student assessment model to fit all charter schools. Therefore, the charter organizers are responsible for designing a student assessment model that will assess accurately how well students are achieving learning expectations. In addition, charter school students will be required to write Provincial Achievement Tests, Provincial Grade 12 Diploma Examinations and any other tests required by the Minister.

19. Since access cannot be denied to any student, must a charter school expand its range of educational programming to address the needs of all potential students; including those with special needs?

Not necessarily. A charter school as part of the public system of schools complements the educational services provided by local schools and is not intended to duplicate them. Therefore, a charter school is designed to meet the needs of a particular group of students through a specific program or approach. It is not designed to meet the needs of every student in Alberta. Further, sections 27 (Resident Student), 28 (Assuring that boards provide educational programs for each of their students), and 29 (Students with special needs must be provided with appropriate educational services) do not apply to charter schools since that responsibility is already delegated to local school boards. However, any student may attempt the educational program provided by the charter school.

20. Can students with behavioral problems be denied access to a charter school?

No. All students have access to a charter school. The charter school must have a discipline policy which is to be applied equally to all students. Any student who is expelled from a charter school, can request the Minister to review this matter.

STUDENTS

21. Can student access be limited?

Charter schools cannot deny access, if space and resources are available, to students who meet the requirements of section 3 of the **School Act**. If student enrolment exceeds program capacity, the school will select students in accordance with the selection process outlined in the charter. The selection process may set priorities in such matters as attendance areas, access for siblings and the order in which applications were received. Provision for a selection process that ensures openness and fairness is required as part of the charter. Any student who has been denied access to a charter school, may have the decision reviewed by the Minister as provided in the Charter School Regulation.

22. Is there a minimum student enrollment?

Yes. At school opening, the total minimum student enrollment is set at 75 students.

The financial and educational viability of a charter school is paramount. Charter organizers must be aware that low student enrollment may result in a deficit or may compromise student achievement. Charter boards must maintain a balanced budget and they are required to improve student learning.

TEACHERS

23. Must charter schools employ certificated teachers (including principals) for instructional purposes?

Yes. All teachers offering instruction must hold a certificate of qualification. A charter school is required to provide disclosure of the professional credentials of its teaching staff to interested parents and the public.

24. Must teachers (including principals) be active members of The Alberta Teachers' Association (ATA)?

If a charter board employs its own teachers, the teachers cannot be active members of the ATA as section 5 of the **Teaching Profession Act** applies only to school boards. However, a charter board may choose to second a teacher from a school board or employ a teacher who has taken a leave of absence from the school board. In both these cases the teacher remains

an employee of the school board and is required to be an active member of the ATA.

A local school board may decide to make it a condition of their approval to establish the charter school that teachers employed by the charter board are active members of the ATA.

If the Minister establishes the charter school, the teachers cannot be active members of the ATA. However, they may be associate members.

25. Must charter school teachers contribute to the Teacher Retirement Fund (TRF)?

Yes. Any teacher employed by a charter school must contribute to and will receive the benefits of the TRF. The **TRF Act** was amended in 1994 to include charter school teachers.

GRANTS

26. What Alberta Education grants are available to charter schools?

See Grant Chart on page 4.

27. Can charter schools charge tuition fees?

No. Charter schools cannot charge tuition fees. They may charge parents for fees for instructional supplies or materials as may all schools in the public education system [section 44(2)(i)].

28. Will start-up grants be available to charter schools?

No. Additional funding is not available for start-up costs. Negotiations with the local school board or some other third party may be undertaken by the charter board if such funding is required. In addition, for each new charter school Alberta Education may advance in equal payments over a two and a half (2 1/2) month period prior to start-up, an amount of money from the projected charter school grant allotment for the year. This amount would be calculated by taking the projected first year allotment and dividing it equally over 14.5 months. For example, a charter school intending to start up on September 1 would receive the first payment on the preceding July 1 and continue receiving equal payments until August 31 of the next year. This would be a one-time advance only.

29. Is the charter school eligible to raise funds in addition to provincial grants?

Yes. Charter schools are free to fund-raise and accept donations in the same manner as public schools. A description of any gifts, grants, donations, student or parent fees, charge for student or school services, benefits or any other assets the charter school may obtain in addition to provincial grants, and how they are used, will be required by the Charter School Regulation.

30. Will provincial grants flow directly to the charter board?

Yes. Provincial grants will flow directly to the charter board whether the charter school was established by the local school board or by the Minister.

31. Are charter schools expected to provide financial statements to the Minister on a regular basis?

All charter schools, whether they are established through a local school board or the Minister, must submit an Alberta Education Budget Report Form and an Audited Financial Statement, annually, to the Minister. These must reflect the financial operation of the charter school and must not be included as part of the local school board financial picture. In addition, charter boards must operate within a balanced budget [sections 125 to 130 **School Act**].

32. What will happen to a surplus or deficit of the charter board when a charter school ceases to operate?

A balanced budget is required and a deficit will not be permitted. Any surplus that can be attributed to provincial funding will be returned to the provincial treasurer.

33. Will charter board and school council members be eligible to receive payment for their services?

No. Members of the charter board and members of the charter school council will not be eligible for any honoraria, payments or benefits for any services provided. However, travel and subsistence expenses may be paid.

APPLICATIONS

34. At what point in the application process must conditions stated in the regulation and required by the application form be met?

All criteria as required by the Regulation, must be completed before final approval is granted. Ideally all criteria should be completed at the time the application is submitted. However, conditional approval may be recommended, thus enabling charter organizers to continue proceeding with procurement and organization of facilities, resources and services. In these instances, charter organizers should have the philosophy, educational plan, governance structure and school operation developed and acceptable to the local school board or the Minister.

It is important that charter organizers have a clear picture of how their school will look and operate and how it will demonstrate improved student learning.

35. Will there be a maximum number of charter schools approved?

Yes. Initially up to a maximum of 15 charter schools will be approved for start-up in September 1995. By putting a limit on the number of charter schools at this time, the Minister will have a better opportunity to assess the success of the charter school concept. Following this initial period, more charter schools may be approved.

36. Can a charter board organize satellite charter schools in a jurisdiction other than the one in which it has an established school?

This can be done only if the charter board follows the same application procedure as for the establishment of its first charter school with the local school board of the new jurisdiction.

37. Must charter schools provide transportation for their students?

No. .As section 34 of the **School Act** does not apply, charter boards are not required to provide transportation. However, the charter should state if the charter board has made arrangements for transportation.

38. Must charter boards be insured?

Yes. Any charter board must, at a minimum, carry insurance in accordance with section 44(1)(b) of the **School Act** and the Insurance Regulation, A.R. 78/89. The secretary-treasurer must be bonded in accordance with section 96(c) of the **Act**. The charter board also will be required to carry

indemnification insurance to cover any financial obligations that cannot be met. Neither the local school board nor the Minister will be held liable for delinquent financial obligations of an errant charter board.

CHARTER SCHOOLS

APPLICATION FORM

Charter school applicants are required to complete the following application. The items following item number 7 have questions and statements included to assist applicants. These are intended to guide charter school organizers in providing a detailed description of their school. Additional information may be included to give the local school board and the Minister a better understanding of the philosophy and purpose of the proposed charter school and to assist them in making their decision.

Date: _____

1. Name and Location of the Charter School

_____
Full Name of the School

_____
Address
_____

_____ _____ _____
Postal Code Telephone (day time) Fax

2. Society or Corporate Body *

_____ _____
Full Name of Society or Corporation Incorporation Number

_____
Address
_____

_____ _____ _____
Postal Code Telephone (day time) Fax

* The Document of Incorporation must be attached.

3. Contact Person for the Society or Corporation

A person who is readily available and able to answer questions relating to the application.

Full Name _____ Title _____

Address _____

Postal Code _____ Telephone _____ Fax _____

4. Principal (if known)

Full name _____

Address _____

Postal Code _____ Telephone _____ Fax _____

5. Superintendent (if known)

Full name _____

Address _____

Postal Code _____ Telephone _____ Fax _____

6. **Secretary-Treasurer** (if known)

_____
Full name

_____
Address

_____

_____ _____ _____
Postal Code Telephone Fax

7. **Local School Board** (receiving initial application)

_____
Full name of the Board

_____
Contact Person

_____
Address

_____

_____ _____ _____
Postal Code Telephone Fax

8. **Charter School Facility**

a) Maximum student enrolment capacity: _____

b) Expected student enrollment on school opening: _____

c) Date of school opening: _____

d) Does the facility meet provincial health, safety and building standards?

e) Does the facility comply with local zoning by-laws?

f) Are inspection and approval documents attached with the application?

9. Evidence of Support

a) Try to convey as clearly as possible the scope of community backing for the proposed charter school. This may include evidence of tangible support from teachers, parents, students, community leaders and others.
b) Was a public meeting held to inform the community of the purpose of the charter school?
c) Attach all informational documents distributed at the public meeting.
d) What supporting evidence is included to support the projected enrollment and parent commitment?

10. Funding

a) Submit a copy of the charter school's Budget Report Form (forms may be obtained from Alberta Education).
b) Does the Budget Report Form clearly identify all revenues and disposition of any gifts, grants, donations, student or parent fees, student or school services, benefits or any other assets the charter school may obtain in addition to provincial grants?
c) Does the Budget Report Form reflect a balanced budget?
d) What funding provisions have been made for charter school start-up?
e) Has the charter board made financial arrangements with financial institutions for emergency funding?

11. Staffing and Teacher Assignment List

a) Has the staffing for the charter school been determined?
b) Is a list of teachers and their certificate numbers included?
c) Is the anticipated teaching assignment list included?
d) If staffing and teaching assignment list is not complete, when will this be completed?

12. School Operations

a) Is there a description of the school operation in terms of the:
    i) School opening and closing date;
    ii) Number and days of school operation;
    iii) Length of the school day;
    iv) Number and length of recesses;
    v) Number of daily hours of instruction; and,
    vi) Number of yearly hours of instruction?
b) Is a school timetable prepared?
c) State expected student enrollment in each grade level.

13. Handbooks

a) Have handbooks been developed to help various publics become familiar with:

i) Purpose and philosophy of the school;
ii) Educational services provided;
iii) School operation;
iv) Expected student deportment;
v) Student supplies, fees and costs;
vi) School staff and governance; and
vii) Other information.

14. Exemptions

a) List any exemptions from provincial legislation requiring approval from the Lieutenant Governor in Council.

THE CHARTER

The charter agreement for the proposed school must address each of the following requirements in accordance with the Charter School Regulation. Additional questions have been added to each of the requirements to assist charter school organizers with preparing their proposal. The charter agreement is to be attached to the application.

1. The Charter School

a) Is the name and location of the school stated?

2. Philosophy, Purpose and Goals

a) What is the philosophy of the proposed charter school?
b) Will the philosophy and purpose of the school serve as reliable decision making guidelines?
c) Are the objectives stated in measurable terms?
d) How do the objectives of the school relate to basic education?
e) What are the broad academic objectives?

3. Educational Plan

a) What educational need will the charter school fulfill?
b) How will the charter school address this need?
c) Does the charter describe how the basic curriculum, instructional methodologies, and student assessment are to be used?
(d) Does the school's curriculum include Alberta Education's basic education program and does it follow the Programs of Study for the appropriate grade levels?
e) How is the educational service provided by the school enhanced, innovative or different from services available in local schools?
f) Is there a detailed description of how the plan will increase student learning?
g) Is there an outline of specific educational services for each grade level?
h) Is there research to support the educational plan?
i) Is student assessment sufficient to demonstrate clearly that student learning is improving?
j) Is there a description of services available, if any, to students with physical, mental or learning disabilities?
k) Have teachers and school administrators been consulted in the design of this education plan?

4. Demographics of the Charter School

a) Does the charter provide a brief description of the community in which the charter school will be located?
b) Are student selection criteria outlined should student enrollment exceed the capacity of the school?
c) Does the charter provide a detailed description of students whom the charter school is intended to serve?
d) What is the proposed student registration policy?
e) What is the attendance area of the charter school?
f) What is the total student population of the district from which charter students will attend?

5. Governance

a) Does the charter describe the criteria that will be used for eligibility and selection of charter board members?
b) Is the relationship between the corporate body, the charter board, school administration, teachers, students, and school council clearly outlined?
c) Are the roles and responsibilities of each of these groups clearly outlined?
d) Has an appeal process been established for each group in the event of a dispute over a decision?
e) Do employment procedures clearly address employment contracts including salaries, benefits, termination, professional development and grievance and appeals?
f) Are the governance matters structured in policy?
g) Have evaluation policies been developed in accordance with the policies contained in the Alberta Education **Policy, Regulations and Forms Manual**.

6. Contractual Arrangements

a) Does the charter list any contractual arrangements the charter board will or may be making? For example, have contracts been provided for:
    i) staff employment;
    ii) facilities and resources;
    iii) transportation;
    iv) custodial services, maintenance and repair;
    v) personnel services such as superintendency, secretary-treasurer, administrative and consultancy; and,
    vi) instructional resources?
b) Has a policy been structured to guide the charter board when it enters into contracts and contract renewals?

c) What financial provisions have been made in accordance with the Charter School Regulation in the event the charter school defaults on any of its contracts and the charter board is left with outstanding financial obligations?

7. Transportation

a) What provisions, if any, has the charter school made for student transportation?

8. Amending the Charter

a) Is there a description of matters that may initiate the amending process?
b) What role do various stakeholders have in the amending process?
c) Is a timeline for decision-making included in the process?

9. Dissolution Process

a) Does the charter outline the charter school's dissolution process?
b) If the dissolution process is to be initiated by the charter board, does the charter provide sufficient advance notice of intent so that parents and students are able to make the adjustment with minimal disruption to student education?
c) Does the charter require that a public meeting be held in advance of the dissolution process to inform the community of the charter board's intentions?
d) Is there a detailed plan for the disposition of property and finances?
e) Is there a plan for the transfer of students to other schools and of disposition of student records?

10. Term of Charter

a) What is the term of the charter?
b) Does the charter stipulate the date it comes into effect and expiry date for the initial term?
c) Does the charter outline process and timelines for charter renewal?
d) Does the charter board have a comprehensive school evaluation process developed to assist with charter renewal?

11. Code of Conduct

a) Is there a set of rules for discipline, attendance, suspension, and expulsion?

b) Is there an outline of the appeal process to be used under sections 103 and 104 of the **School Act**?

c) Has a handbook been developed that details student information and procedures, expectations of students, student conduct, matters of student discipline process and appeal procedures?

d) Does the handbook outline all student fees, purpose of fees and resources that students are expected to provide?

e) Are student extra-curricular activities outlined?

DECLARATION

WE THE UNDERSIGNED DECLARE THE INFORMATION PROVIDED IN THIS APPLICATION TO BE TRUE AND ACCURATE.

Board Chair

_____
Signature

_____ _____
Print Phone

Secretary-Treasurer

_____
Signature

_____ _____
Print Phone

Principal

_____
Signature

_____ _____
Print Phone

CHECKLIST

The following checklist is intended to assist the local school board authorities as they review proposals for charter school status. This is not an exhaustive checklist, but it will guide a local school board with processing an application for the establishment of a charter school.

1. A checkmark in the boxes indicates compliance with requirements.

2. Space is provided on the right side of the checklist for comments.

3. If the Local School Board agrees to establish the Charter School, then it agrees to assume responsibility to hold the charter school accountable for its operation and results. A completed copy of the checklist and acceptance statement must be forwarded to the Minister.

4. If the Local School Board refuses to establish the Charter School, it must state all its reasons for doing so. A completed copy of this checklist along with the rejection statement and reasons must be forwarded to the Minister.

Comments

1. Application Form blanks are filled in completely. ☐

2. Requirements of Charter School Regulations.

   a) Public meeting:
   - Notices posted as per Charter School Regulation. ☐
   - Information distributed at the meeting(s) is attached. ☐
   - General report of meeting is attached. ☐
   - Is there evidence to support projected student enrollment? ☐

   b) Incorporation is completed. ☐
   Document of Incorporation is attached ☐

   c) School Facility meets the following standards:
   - Zoning, ☐
   - Health & Safety, ☐
   - Fire Prevention, ☐
   - Electrical, ☐
   - Pressure Vessels, and ☐
   - Documents are attached. ☐

   d) Financial Plan includes:
   - Budget Report Form, and ☐
   - Description of all revenues and expenditures. ☐
   - Budget is balanced. ☐

   e) School Operation information includes:
   - School administration and assignment, ☐
   - Teachers and teaching assignments, ☐
   - School timetable, ☐
   - Annual school calendar listing instructional days and operational days, and ☐
   - Annual instructional hours. ☐

   f) Exemptions applied for are listed. ☐

   g) Insurance, bonding and indemnification requirements are addressed. ☐

Comments

h) Handbook(s) are developed. ☐

i) Charter. The charter outlines the following:

- School Location; ☐
- Philosophy, Purpose, Goals of the charter school; ☐
- Educational Plan; ☐
  - i) Curriculum is outlined:
    - Does it include Alberta Education basic curriculum? ☐
    - Does it meet or exceed expected student learning outcomes for basic subjects for each grade? ☐
  - ii) Instructional methodologies are described. ☐
  - iii) Is there a statement outlining how this educational plan is different from what is locally available? ☐
  - iv) Student evaluation:
    - Does this plan have the potential to demonstrate if student learning is improving? ☐
    - Does it reflect the curriculum? ☐
- Student Demographics;
  - i) Is there a clear description of the type of student for whom this educational program is intended? ☐
  - ii) Are there student selection criteria if the charter school is over subscribed? ☐
  - iii) Is the selection criteria open and fair? ☐
- Governance;
  - i) Are roles and responsibilities for each of these stated?
    - Corporate body, ☐
    - Charter school board, ☐
    - Charter school administration, ☐
    - Charter school staff, and ☐
    - Charter school council. ☐
  - ii) Is an appeal structure outlined? ☐

Comments

- Contractual Arrangements; The following services will be:

	Provided by Employees	Purchased	Provided by Contract, Lease or Secondment	Not be Provided
Principal,	☐		☐	
Teachers,	☐		☐	
Superintendency,	☐		☐	
Secretary/Treasurer,	☐		☐	
Custodial,	☐		☐	
Repair/Maintenance,	☐		☐	
Professional Development,	☐	☐	☐	
Transportation,			☐	☐
Instructional Resources,		☐	☐	
Facility,		☐	☐	
Furniture, and		☐	☐	
Other	☐	☐	☐	☐

- Student Transportation; ☐

- Charter Amending Mechanism; ☐

- Dissolution Process; The outline addresses the disposition or relocation of the following:

Assets,	☐
Finances,	☐
Facility,	☐
Instructional Resources,	☐
Supplies,	☐
Student Records,	☐
Student Placement, and	☐
Professional Staff Deployment.	☐
Is a process for informing students, parents and teachers of intended charter school closure outlined?	☐

- Term of charter (3 - 5 years) is stated and charter renewal process is outlined; ☐ ☐

- Rules for student behavior, a discipline procedure and an appeal process are outlined. ☐

ACCEPTANCE STATEMENT

The _____ hereby agrees to
(Local School Board)

establish _____ and assumes the
(Name of Charter School)

responsibility of holding the charter board accountable to the terms of the charter and all applicable provincial legislation, regulations and policies.

_____ _____
Board Chair Date

_____
(Print)

_____ _____
Superintendent of Schools Date

_____
(Print)

_____ _____
Secretary-Treasurer Date

_____
(Print)

REJECTION STATEMENT

The _____ rejects the application
(Local School Board)

to establish _____ for the
(name of intended charter school)

following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

(Use attachments if necessary)

_____ _____
Board Chair Date

_____
(Print)

_____ _____
Superintendent of Schools Date

_____
(Print)

_____ _____
Secretary-Treasurer Date

_____
(Print)

APPENDIX 1

SCHOOL ACT

Division 2.1
Charter Schools

Application

24.1(1) A person or society may apply to a board or the Minister for the establishment of a charter school to be operated by a society incorporated under the *Societies Act*, a company registered under Part 9 of the *Companies Act* or a Provincial corporation as defined in the *Financial Administration Act*.

(2) An application may be made to the Minister only if the board of the district or division in which the school is to be established refuses to establish the charter school.

(3) An application shall be in the form and contain the information prescribed by the regulations.

1994 c29 s11

Charter schools

24.2 A board or the Minister may establish a charter school if the board or the Minister, as the case may be, is of the opinion that

(a) the school will have significant support from the community in which it is to be located, and

(b) the program to be offered by the school will potentially improve the learning of students as it is measured by the Minister in schools operated by boards that are not charter schools.

1994 c29 s11

Operation of charter schools

24.3(1) A charter school shall be operated in accordance with the charter approved by the Minister.

(2) The society, company or Provincial corporation that is named in the charter shall operate the charter school.

(3) A charter school shall not charge a fee that may not be charged by a board under this Act.

(4) A charter school shall not be affiliated with a religious faith or denomination.

(5) Notwithstanding subsection (4), a charter school may be affiliated with the faith of those who established the separate school district, whether Protestant or Roman Catholic, in the area in which the charter school is located.

1994 c29 s11

Charter

24.4 A charter shall include the following:

(a) the period during which it is to operate and the conditions for its renewal or termination;

(b) the person or society that is to operate the school;

(c) conditions, if any, respecting the enrolment of students in the school;

(d) the program to be offered by the school;

(e) any other matter required by the regulations or the board, in the case of a charter granted by a board, or the Minister, in the case of a charter granted by the Minister.

1994 c29 s11

Application of Act

24.5(1) The following provisions and regulations made under them apply to a charter school and its operation, and a reference to a board or a trustee is deemed to include a reference to a person or society that operates a charter school or a member of the governing body of the person or society, as the case may be:

sections 1, 2;
Part 1;
Part 2, except sections 16(3), 22, 23;
sections 33, 35, 37, 40, 41, 44, 59, 60.1;
Part 3, Division 3;
Part 4;
Part 5;
sections 125 to 130, 162, 167;
Part 7, except section 186;
Part 9.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council

(a) may exempt a charter school from the operation of any provision of this Act, except sections 24.1, 24.2, 24.3 and 24.4, or of the regulations, or

(b) may make any provision of this Act or the regulations apply to a charter school.

1994 c29 s11

Regulations

24.6 The Minister may make regulations

(a) respecting applications for charter schools and the charter under which a charter school is operated, its contents and amendment or repeal;

(b) respecting the number of charter schools in Alberta, the location of those schools and their relationship with boards and schools operated by boards;

(c) respecting the transfer of the management or operation of a charter school to a person or society approved by the Minister or the winding-up of a charter school;

(d) respecting any other matter the Minister considers necessary for a charter school to be operated in accordance with its charter.

1994 c29 s11

Application of order or regulation

24.7 An order under section 24.5 or a regulation under section 24.6 may be general in its application or may apply to a particular charter school or a class of charter schools.

1994 c29 s11

APPENDIX 2

CHARTER SCHOOL REGULATION

PROPOSED CHARTER SCHOOL REGULATION

Introduction

With the proclamation of the ***School Amendment Act 1994*** on May 25, 1994, Alberta became the first province in Canada to provide for the establishment of charter schools. The addition of charter schools to the public system of education provides another dimension to be explored by parents and teachers who wish to introduce a method of teaching or student learning which may not be available in the local public schools. Parental choice is further enhanced by the introduction of these schools.

Information sessions have been organized for school boards, individuals and groups who are interested in exploring this new type of school. Some of the concepts suggested were an all-girls junior high school, a science-oriented school and a special needs school. Many suggestions have been received and many concerns have been raised during the past months. The following suggested areas to be addressed in the Charter School Regulation are the result of consultation, review of charter schools in a number of U.S. states and submissions received from stakeholder groups, parents, and concerned members of the community.

1. Application

The ***School Act*** requires that a charter school be run by an organization that is a society, a company registered under Part 9 of the ***Companies Act*** or a provincial corporation as defined in the ***Financial Administration Act***. The application must be sent to the local school board in the community in which the organizers wish to establish the charter school with a copy to the Minister. The application must provide:

- information on the organization, its corporate status, site of the charter school, capacity of the building, proof of compliance with local by-laws, fire, health, safety and building standards,

- expected number of students and proposed opening date of the charter school,

- proof of community support for the charter school as indicated by a public meeting, notice of which was given by posting in 5 or more conspicious places in the community of the proposed charter school and published in a newspaper circulating within the area for at least two weeks prior to the date of the meeting,

- a detailed financial plan which includes any possible, gifts, grants, donations, etc. in addition to provincial funding and indicates a balanced budget,

- a copy of the school's charter, and

- a list of any exemptions to be requested from provincial legislation, regulations or policies.

The local school board will have 60 days in which to review the application, request additional information or modification and make a decision. Both the applicant and the Minister must be informed of the decision. A rejection of the application must contain reasons and thereafter the applicant may within 30 days apply to the Minister. The Minister may, within 30 days, approve the application with or without conditions or reject the application and give reasons. The Minister's decision is final.

2. Charter

The school's charter addresses the philosophy, purpose and goals of the charter school. The charter will provide:

- a detailed educational plan setting out the curriculum to be offered, teaching strategies, assessment instruments to be used in addition to the provincial achievement tests and diploma examinations,

- criteria for selecting students if there are more applicants than can be accommodated in the building,

- a detailed governance structure for the charter school including the roles and responsibilities of the charter board, school council, parents, principal, teaching staff and any other persons involved in running the charter school,

- a plan for student transportation (the section of the ***Act*** requiring school boards to transport enrolled students does not apply to a charter school),

- a method to change or amend the charter which requires the approval of both the local school board and the Minister,

- a plan for winding-up, if the charter board decides to cease operation of the school including how the community, parents students, etc. would be informed, transfer of students and their records to another school, disposition of property, financial records, etc.,

- the initial term which must be at least 3 years and not more than 5, and

- rules for discipline, attendance, suspension and expulsion and an appeal method at the local level to comply with section 103 of the ***Act***.

3. Program Requirement

A charter school must offer the Alberta Program of Studies to ensure that students are able to transfer back into public schools without losing credits. It is expected that a charter school will provide an enhanced program.

4. Student Enrolment

A charter school must have a minimum of 75 students to begin operation. Thereafter, the charter school would be required to maintain the number of students which ensures an educationally and financially viable program.

5. Superintendent and Secretary-Treasurer

A charter school must have the services of a superintendent and a secretary-treasurer. The services could be on a part-time basis and may be obtained by contracting with the local school board or with a qualified individual.

6. Indemnification

Concern was expressed by school boards as to their liability for the debts of a charter school should it encounter financial difficulties. The regulation will require that a charter board indemnify the local school board or the Minister against any losses, legal actions, etc. which may be brought against the charter school.

7. Expenses

Charter board and school council members are not eligible for remuneration for their services. However, the regulation will allow for the payment of travel and subsistence expenses.

8. Transfer and Renewal of the Charter

A charter board will be able to transfer the operation of the school to the local school board or another organization subject to the approval of the Minister. Renewal of the charter following the initial term of up to 5 years would be on the recommendation of and following at least two evaluations by either the local school board or the Minister (whoever granted the charter).

9. Number of Charter Schools

The Minister will approve up to a maximum of 15 charter schools for the 1995-96 school year and may approve additional schools in subsequent years.

10. Termination of the Charter

A local school board may withdraw its approval of the charter if in the opinion of the school board:

- the conditions of the charter are not being met, or
- the achievement of the students has not improved, and
- the charter board has been notified of the intention to withdraw approval and been given a reasonable amount of time to correct deficiences.

The Minister may withdraw his approval for charter school status if he is of the opinion that:

- the charter board or school are not complying with the ***School Act,***
- the conditions of the charter are not being met,
- the achievement of the students has not improved, or
- the educational services offered by the charter school could be offered equally as well by the local school board.

A charter board may also terminate the operation of the charter school, subject to the approval of the Minister, by transferring governance to the local school board, voting to discontinue operation and winding-up in accordance with the plan outlined in their charter.

11. Review by the Minister

In addition to the matters which the Minister may review under the ***School Act*** such as expulsions and fees and costs, the regulation will give the right to request a review by the Minister when:

- a board member is required to resign from the charter board,
- the charter is revoked by a local school board, and
- a student is refused entrance into a charter school.

In all cases the Minister's decision will be final.